

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Asheville Division**

In re:

SMOKY MOUNTAIN COUNTRY CLUB  
PROPERTY OWNERS' ASSOCIATION,  
INC.

Chapter 11

Case No. 19-10286

Debtor.<sup>1</sup>

**SECOND APPLICATION OF RAYBURN COOPER & DURHAM, P.A.  
FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES  
FOR THE PERIOD FROM SEPTEMBER 1, 2019 THROUGH SEPTEMBER 30, 2019**

Name of Applicant: Rayburn Cooper & Durham, P.A.

Authorized to Provide Professional

Services to: Smoky Mountain Country Club Property Owners' Association, Inc.

Date of Retention: August 9, 2019 (effective July 26, 2019) [Docket No. 33]

Compensation and reimbursement is sought from September 1, 2019 through September 30, 2019. Rayburn Cooper & Durham, P.A. has not yet received any payments for services rendered or expenses incurred during this period.

Amount of compensation sought as actual, reasonable, and necessary: \$30,500.50

Amount of expense reimbursement sought as actual, reasonable, and necessary: \$ 3,431.02

This is a: \_\_\_\_\_ monthly XXXX interim \_\_\_\_\_ final application

Date Filed	Period Covered	Requested		Approved	
		Fees	Expenses	Fees	Expenses
10/3/19	July 26, 2019 – August 31, 2019	\$63,428.50/\$5,698.89			

<sup>1</sup> Debtor is the following entity (the last four digits of its employer identification number follow in parentheses): Smoky Mountain Country Club Property Owners' Association, Inc., (1897). The Debtor's address is 2602 Hendersonville Road, Arden, NC, 28704.

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Asheville Division**

In re:

SMOKY MOUNTAIN COUNTRY CLUB  
PROPERTY OWNERS' ASSOCIATION,  
INC.

Debtor.<sup>2</sup>

Chapter 11

Case No. 19-10286

**INTERIM APPLICATION OF RAYBURN COOPER & DURHAM, P.A.  
FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES  
FOR THE PERIOD FROM SEPTEMBER 1, 2019 THROUGH SEPTEMBER 30, 2019**

Pursuant to sections 330 and 331 under title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code") and Rule 2016 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), Rayburn Cooper & Durham, P.A. ("RCD") hereby requests that this Court award it reasonable compensation for professional services rendered as counsel to the above-captioned debtor (the "Debtor") in the amount of \$30,500.50, together with reimbursement for actual and necessary expenses incurred in the amount of \$3,431.02 for the period commencing September 1, 2019 through September 30, 2019 (the "Fee Period"). In support of this application (the "Application"), RCD respectfully represents, and states as follows:

**BACKGROUND**

1. RCD was retained to represent the Debtor as its counsel in connection with this chapter 11 case pursuant to an Order entered by this Court on August 9, 2019 [Doc. 33]. The

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<sup>2</sup> Debtor is the following entity (the last four digits of its employer identification number follow in parentheses): Smoky Mountain Country Club Property Owners' Association, Inc., (1897). The Debtor's address is 2602 Hendersonville Road, Arden, NC, 28704.

Order authorized RCD to be compensated on an hourly basis and to be reimbursed for actual and out-of-pocket expenses.

### **COMPENSATION TO BE PAID**

2. All services for which RCD requests compensation were performed for or on behalf of the Debtor.

3. Attached hereto as Exhibit A is a detailed statement of fees incurred during the Fee Period, showing the amount of \$30,500.50 due for compensation for the various services rendered.

### **DISBURSEMENTS**

4. RCD has incurred out-of-pocket disbursements during the Fee Period in the amount of \$3,431.02 which are listed on Exhibit A hereto.

### **VALUATION OF SERVICES**

5. The nature of the work performed and the cost of these services performed by RCD is fully set forth in the attached Exhibit A. The rates charged by RCD's professionals are the normal hourly rates charged by RCD for work of this character. RCD respectfully submits the reasonable value of the services rendered by RCD to the Debtor during the Fee Period equals or exceeds the fees charged by RCD. During this application period, RCD voluntarily reduced its fees by \$23,303.75.

6. In accordance with the factors enumerated in 11 U.S.C. § 330, the amount requested is fair and reasonable given (a) the complexity of the case, (b) the time expended, (c) the nature and extend of the services rendered, (d) the value of such services, and (e) the costs of comparable services other than in a case under this title.

**NOTICE**

7. Notice of this Application has been given to (a) the Bankruptcy Administrator for the Western District of North Carolina, (b) the Debtor's 20 largest unsecured creditors, and (c) those parties requesting notice pursuant to Bankruptcy Rule 2002.

WHEREFORE, RCD requests that allowance be made in the sum of \$30,500.50 as compensation for necessary professional services rendered to the Debtor during the Fee Period, and the sum of \$3,431.02 for reimbursement of actual, necessary costs and expenses incurred during that period, and further requests such other and further relief as this Court may deem just and proper.

Dated: October 10, 2019

RAYBURN COOPER & DURHAM, P.A.

By: /s/ John R. Miller, Jr.  
John R. Miller, Jr.  
N.C. State Bar No. 28689  
Matthew L. Tomsic  
N.C. State Bar No. 52431  
Suite 1200, The Carillon  
227 West Trade Street  
Charlotte, NC 28202  
(704) 334-0891

*Counsel to the Debtor*

## **Exhibit A**

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 RAYBURN COOPER & DURHAM, P.A.

227 West Trade Street, Suite 1200  
 Charlotte, NC 28202-1672  
 Telephone (704) 334-0891 Fax (704) 377-1897  
 FEDERAL I.D. #: 56-1597966

10/04/19

Smoky Mountain Country Club  
 Property Owner's Association

Our file number 5749-002/JRM/JRM  
 Invoice number 43941

Re: Post Petition

Balance Forward \$69,127.39

	Atty	Services Rendered	Hours	Amount
ASSET TRANS:				
09/06/19	JRM	ASSET TRANS: Office conference with M. Tomsic regarding condo cure next steps	0.10	40.00
09/06/19	JRM	ASSET TRANS: Call Rob M. at Horack Talley regarding condo cure issue (.40); e-mail board and Jamie K. regarding same (.20)	0.60	240.00
09/09/19	JRM	ASSET TRANS: E-mail from Peter E. regarding Lot 105 assessments	0.10	40.00
09/16/19	JRM	ASSET TRANS: E-mail Rob M. regarding status of documents regarding condo cure	0.10	40.00
Total for ASSET TRANS:			0.90	\$360.00

## CASE ADM/BUS OP:

09/03/19	JRM	CASE ADM/BUS OP: Meet with Board members and co-counsel regarding special meeting, notice process, 2004 exams, schedules, SOFAs, 341 meeting	2.00	800.00
09/03/19	JRM	CASE ADM/BUS OP: Travel to and from hearing on corporate governance and 2004 exam motions (only 1/2 time charged)	2.50	1,000.00
09/03/19	JRM	CASE ADM/BUS OP: Represent debtor at hearing on corporate governance		

RAYBURN COOPER & DURHAM, P.A.

10/04/19

Smoky Mountain Country Club

Our file number 5749-002/JRM/JRM  
Invoice number 43941

Re: Post Petition

	Atty	Services Rendered	Hours	Amount
		and 2004 exam (only 1/2 time charged)	1.30	520.00
09/03/19	MLT	CASE ADM/BUS OP: Telephone conference with R. Fulton regarding hearing results (.20); telephone conference with J. Miller regarding same, next steps (.20)	0.40	N/C
09/03/19	RRF	CASE ADM/BUS OP: Travel to Asheville for hearing on 2004 motion and voting procedures motion (only 1/2 time charged)	1.20	438.00
09/03/19	RRF	CASE ADM/BUS OP: Return travel from Asheville from hearing (only 1/2 time charged)	1.20	438.00
09/04/19	JRM	CASE ADM/BUS OP: Review proposed proxy and comments on same	0.20	80.00
09/04/19	JRM	CASE ADM/BUS OP: Revise proposed order on special meting and circulate	0.50	200.00
09/04/19	JRM	CASE ADM/BUS OP: E-mail Robb B. regarding notice/solicitation process	0.10	40.00
09/04/19	JRM	CASE ADM/BUS OP: Review, draft cover letter for notice of special meeting	0.50	200.00
09/04/19	JRM	CASE ADM/BUS OP: Review correspondence and revised drafts of schedules/sofas, comments on same (only 1/2 time charged)	0.40	160.00
09/04/19	MLT	CASE ADM/BUS OP: Review e-mail correspondence (0.4); edit draft SOFAs, Schedules, Global Note (2.6); meeting with J. Miller		

RAYBURN COOPER & DURHAM, P.A.

10/04/19

Smoky Mountain Country Club

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Re: Post Petition

	Atty	Services Rendered	Hours	Amount
		regarding open items, SOFAs, Schedules, Global Note (0.1)	3.10	806.00
09/04/19	TNL	CASE ADM/BUS OP: Additions/revisions to schedules; circulate draft to M. Tomsic and J. Miller for review	1.00	160.00
09/04/19	TNL	CASE ADM/BUS OP: Draft order denying motion for special meeting	0.30	48.00
09/05/19	JRM	CASE ADM/BUS OP: Correspondence with Ed H. and Marshall C. regarding comments on special meeting order and to client reps regarding same	0.20	80.00
09/05/19	JRM	CASE ADM/BUS OP: Multiple correspondence with Joann W., Paul D., Ron S. regarding documents for IPM to send regarding special meeting	0.60	240.00
09/05/19	JRM	CASE ADM/BUS OP: Revise global notes and re-circulate	0.30	120.00
09/05/19	JRM	CASE ADM/BUS OP: E-mail Paul D. regarding questions on special meeting procedure	0.20	80.00
09/05/19	JRM	CASE ADM/BUS OP: Telephone conference with Peter E. regarding considerations and comments on schedules and SOFAs and coordinate final documents with M. Tomsic	0.80	320.00
09/05/19	MLT	CASE ADM/BUS OP: Review SOFAs, Schedules, Global Note	0.60	156.00
09/06/19	JRM	CASE ADM/BUS OP: Correspondence with M. Cornblum and Ed Hay regarding special meeting order,		



RAYBURN COOPER & DURHAM, P.A.

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	Atty	Services Rendered	Hours	Amount
		multiple correspondence with Sandee C. regarding edits to order	0.40	160.00
09/06/19	JRM	CASE ADM/BUS OP: Telephone conference with S. Abel regarding schedules and SOFA and 341 meeting	0.10	40.00
09/06/19	JRM	CASE ADM/BUS OP: Multiple correspondence regarding status of special meeting notice	0.20	80.00
09/06/19	JRM	CASE ADM/BUS OP: Review letter from Cornblum directors	0.20	80.00
09/06/19	JRM	CASE ADM/BUS OP: Brief review schedules, etc. as filed	0.10	N/C
09/06/19	MLT	CASE ADM/BUS OP: Review SOFAs, Schedules, Global Note (0.6); review board meeting minutes (0.1); draft proposed order lifting stay to pursue state court appeal (0.9); telephone conference regarding condo cure (0.5); meeting with J. Miller regarding next steps for condo cure filing	2.40	624.00
09/06/19	TNL	CASE ADM/BUS OP: prepare and file schedules, SOFA, amended Matrix and global notes	0.80	128.00
09/06/19	TNL	CASE ADM/BUS OP: convert order and forward to Ed Hay's office	0.20	32.00
09/06/19	TNL	CASE ADM/BUS OP: Attach exhibits to proposed order and send to Ed Hay's office	0.20	32.00
09/07/19	MLT	CASE ADM/BUS OP: Review e-mail correspondence regarding special election, bankruptcy hearing summary from Cornblum candidates	0.60	N/C

RAYBURN COOPER & DURHAM, P.A.

10/04/19

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Re: Post Petition

	Atty	Services Rendered	Hours	Amount
09/08/19	JRM	CASE ADM/BUS OP: Review letters drafted by DKS regarding corporate issues	0.20	80.00
09/09/19	JRM	CASE ADM/BUS OP: E-mail from Peter E. regarding question on SOFA	0.10	40.00
09/09/19	JRM	CASE ADM/BUS OP: Prepare for 341 meeting	1.20	480.00
09/09/19	JRM	CASE ADM/BUS OP: E-mail updates to client regarding special meeting and appeal order; circulate stay relief order	0.20	80.00
09/09/19	JRM	CASE ADM/BUS OP: Correspondence regarding DKS letters	0.10	N/C
09/09/19	JRM	CASE ADM/BUS OP: Telephone conference with Maleka at clerk's office regarding creditor Matrix and office conference with T. Lindsay regarding same (.20); review notice with marked additions to Matrix (.10) (only 1/2 time charged)	0.10	40.00
09/09/19	JRM	CASE ADM/BUS OP: Office conference with M. Tomsic regarding additional form for schedules	0.10	N/C
09/09/19	MLT	CASE ADM/BUS OP: Meeting with J. Miller regarding 2004 exam legal research (0.1); legal research regarding 2004 exam use, limitations (3.0); draft memo regarding same (0.4) (only 1/2 time charged)	1.80	468.00
09/09/19	TNL	CASE ADM/BUS OP: Mark additions to amended Matrix to attach as exhibit to notice of filing requested by		

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	Atty	Services Rendered	Hours	Amount
		Court	0.30	N/C
09/09/19	TNL	CASE ADM/BUS OP: Draft notice of filing of amended Matrix	0.20	32.00
09/09/19	TNL	CASE ADM/BUS OP: Prepare and file notice of filing of amended Matrix	0.10	16.00
09/10/19	JRM	CASE ADM/BUS OP: Review corporate resolution document sent by Robert D.	0.10	40.00
09/10/19	JRM	CASE ADM/BUS OP: Telephone conference with Peter E. regarding 341 meeting preparation	1.50	600.00
09/10/19	JRM	CASE ADM/BUS OP: Brief review of monthly reporting information and correspondence to M. Tomsic regarding same	0.20	80.00
09/10/19	JRM	CASE ADM/BUS OP: Office conference with R. Fulton regarding 341 meeting	0.20	N/C
09/10/19	MLT	CASE ADM/BUS OP: Legal research regarding 2004 exam limitations (0.8) (only 1/2 time charged)	0.40	104.00
09/10/19	TNL	CASE ADM/BUS OP: Draft Schedule A to petition	0.20	32.00
09/10/19	TNL	CASE ADM/BUS OP: File Schedule A to petition	0.10	16.00
09/11/19	JRM	CASE ADM/BUS OP: Office conference with M. Tomsic regarding 341 meeting, case strategy	0.20	N/C
09/11/19	JRM	CASE ADM/BUS OP: Analysis of MOR format questions and multiple correspondence regarding same (only 1/2 time charged)	0.20	80.00

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	Atty	Services Rendered	Hours	Amount
09/11/19	MLT	Meeting with J. Miller regarding case update (0.1); review summary financial information (0.2); legal research regarding 363 sales regarding condo cure (1.3); draft 363 motion to sell condo common elements (1.1); review NC Court of Appeals decision regarding condo cure (.4)	3.10	806.00
09/12/19	JRM	CASE ADM/BUS OP: Travel to and from Asheville for 341 meeting (only 1/2 time charged)	2.50	1,000.00
09/12/19	JRM	CASE ADM/BUS OP: Lunch with Peter E. before 341 meeting	1.20	N/C
09/12/19	JRM	CASE ADM/BUS OP: Attend 341 meeting (only 1/2 time charged)	0.50	200.00
09/12/19	MLT	CASE ADM/BUS OP: Review required items for MOR as described by bankruptcy attorney (.10); draft e-mail to P. Evans regarding first monthly operating report (.20); draft 363 sale motion regarding condo cure (1.0); legal research regarding 363 sale (.50)	1.60	416.00
09/13/19	JRM	CASE ADM/BUS OP: Multiple correspondence with co-counsel coordinating for 2004 exams	0.30	120.00
09/13/19	JRM	CASE ADM/BUS OP: E-mail with Jamie K. regarding special meeting issue	0.10	40.00
09/13/19	JRM	CASE ADM/BUS OP: Multiple correspondence regarding special meeting procedures	0.40	160.00
09/13/19	JRM	CASE ADM/BUS OP: Multiple correspondence regarding monthly		

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Re: Post Petition

	Atty	Services Rendered	Hours	Amount
		reporting; prepare for 2004 exams	0.30	120.00
09/13/19	MLT	CASE ADM/BUS OP: Review, edit 363 motion regarding condo cure (0.6); draft e-mail to IPM regarding required information for monthly reports (0.2); review requirements of BA for monthly operating reports (0.1); review requirements for 363 motions (0.3)	1.20	312.00
09/16/19	JRM	CASE ADM/BUS OP: Review draft response to Fairway Oaks regarding special election	0.10	40.00
09/18/19	JRM	CASE ADM/BUS OP: E-mail Jamie K. regarding special meeting procedures and client reps regarding same	0.30	120.00
09/19/19	JRM	CASE ADM/BUS OP: Multiple further correspondence regarding procedure for special meeting	0.20	80.00
09/19/19	JRM	CASE ADM/BUS OP: Office conference with M. Tomsic regarding MOR for August	0.10	40.00
09/19/19	MLT	CASE ADM/BUS OP: Draft e-mail correspondence to P. Evans et al. regarding employees, IRS requests (0.1); review IRS requests (0.2)	0.30	78.00
09/20/19	JRM	CASE ADM/BUS OP: Correspondence regarding call to discuss special election procedures and call regarding same	1.10	440.00
09/20/19	JRM	CASE ADM/BUS OP: Office conference with A. Durham regarding special meeting process	0.10	N/C

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Re: Post Petition

	Atty	Services Rendered	Hours	Amount
09/20/19	JRM	CASE ADM/BUS OP: E-mail update to R. Fulton on 2004 exams	0.10	N/C
09/20/19	MLT	CASE ADM/BUS OP: Review monthly operating report documents (0.6); begin drafting first monthly operating report (0.3)	0.90	234.00
09/23/19	JRM	CASE ADM/BUS OP: Telephone conference with R. Fulton regarding Evans exam, Vergo exam, special meeting	0.60	240.00
09/23/19	JRM	CASE ADM/BUS OP: Discuss litigation history and possible resolution, special meeting procedures with Michael and Marshall Cornblum, James, K. and Peter E.	1.50	600.00
09/23/19	JRM	CASE ADM/BUS OP: Discuss exam, next steps with Peter E. and Jamie K. after Cornblum meeting	0.50	N/C
09/23/19	MLT	CASE ADM/BUS OP: Review documents for monthly operating report	0.20	52.00
09/24/19	JRM	CASE ADM/BUS OP: Draft memo to new board regarding bankruptcy issues and advice	2.50	1,000.00
09/24/19	JRM	CASE ADM/BUS OP: E-mails with M. Tomsic regarding monthly reports	0.10	40.00
09/24/19	JRM	CASE ADM/BUS OP: Office conference with R. Rayburn, R. Fulton and M. Tomsic regarding election and next steps	0.30	N/C
09/24/19	MLT	CASE ADM/BUS OP: Meeting with J. Miller and R. Fulton regarding vote outcome (NO CHARGE); review monthly operating report information from		

RAYBURN COOPER & DURHAM, P.A.

10/04/19

Smoky Mountain Country Club

Our file number 5749-002/JRM/JRM  
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Re: Post Petition

	Atty	Services Rendered	Hours	Amount
		R. Baer (.30); draft first monthly operating report (1.9); draft board resolution removing current signatories and adding new board members (.40); review J. Miller draft memo directed to new board members (.40)	3.00	780.00
09/25/19	JRM	CASE ADM/BUS OP: Correspondence from Joann Waggoner regarding resignation from board and multiple correspondence with Jamie K. regarding process for replacement as board member and officer	0.30	120.00
09/25/19	JRM	CASE ADM/BUS OP: Revise board memo and corporate resolution regarding signatures and compile documents to send, e-mail same to new board	0.60	240.00
09/25/19	MLT	CASE ADM/BUS OP: Review information requests regarding POA employees (.10); review intro memo for new board members (.20); revised board resolutions naming tow new authorized signatories (.20); review N. Kutcher's memo regarding debtor's duties (.10)	0.60	156.00
09/25/19	NEK	CASE ADM/BUS OP: Draft memo for J. Miller and M. Tomsic in re: advice to board members on duties owed to members of POA	0.70	157.50
09/25/19	NEK	CASE ADM/BUS OP: Legal research regarding fiduciary duties owed by directors of a non-profit corporation to members	1.20	270.00
09/25/19	NEK	CASE ADM/BUS OP: Legal research regarding fiduciary duties of directors in non-profit DIP corp in		

RAYBURN COOPER & DURHAM, P.A.

10/04/19

Smoky Mountain Country Club

Our file number 5749-002/JRM/JRM  
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Re: Post Petition

	Atty	Services Rendered	Hours	Amount
		Chapter 11	0.60	135.00
09/26/19	MLT	CASE ADM/BUS OP: Review N. Kutcher's memo regarding director duties	0.20	N/C
09/27/19	JRM	CASE ADM/BUS OP: Review and comment on election declaration and proposed order and e-mail Jamie K. regarding same and other transition issues	0.40	160.00
09/27/19	MLT	CASE ADM/BUS OP: Draft e-mail to Bankruptcy Administrator regarding monthly operating report delay	0.10	26.00
09/28/19	MLT	CASE ADM/BUS OP: Review declaration, consent order regarding special meeting	0.20	N/C
09/30/19	JRM	CASE ADM/BUS OP: Review letter from new board regarding communication with former D's and O's	0.10	40.00
09/30/19	JRM	CASE ADM/BUS OP: Correspondence regarding revisions to special meeting affidavit and order and review revised documents	0.10	40.00
Total for CASE ADM/BUS OP:			58.30	\$17,512.50
CLAIMS ADMIN:				
09/09/19	JRM	CLAIMS ADMIN: Review information in response to IRS inquiry	0.10	40.00
Total for CLAIMS ADMIN:			0.10	\$40.00

FEE PROCEEDINGS:



RAYBURN COOPER & DURHAM, P.A.

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	Atty	Services Rendered	Hours	Amount
09/08/19	JRM	FEE PROCEEDINGS: Preparation of RCD fee request from petition date through end of August	0.50	200.00
09/09/19	JRM	FEE PROCEEDINGS: E-mail with Jamie K. regarding fee app process	0.10	40.00
09/10/19	JRM	FEE PROCEEDINGS: Prepare RCD interim comp request petition through August	0.50	200.00
09/10/19	JRM	FEE PROCEEDINGS: Review and comment on DKS interim fee app	0.10	N/C
09/13/19	JRM	FEE PROCEEDINGS: Continue preparation of RCD first compensation request	0.40	N/C
		Total for FEE PROCEEDINGS:	1.60	\$440.00

LITIGATION:

09/03/19	JRM	LITIGATION: Review proposed orders from hearing and e-mail Ed Hay's office regarding same and multiple correspondence with board and co-counsel regarding same and deposition scheduling	0.40	160.00
09/03/19	RRF	LITIGATION: Attend hearing on 2004 motion and voting procedures motion (only 1/2 time charged)	1.30	474.50
09/03/19	RRF	LITIGATION: Meeting with J. Miller, J. Kilbourne, P. Evans, P. DeCarlo, B. Young regarding special meeting and 2004 examinations	2.00	730.00
09/03/19	RRF	LITIGATION: Review proposed orders and e-mails with J. Miller regarding same	0.10	36.50

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	Atty	Services Rendered	Hours	Amount
09/03/19	RRF	LITIGATION: E-mails with E. Hay, J. Miller, M. Cornblum regarding 2004 examination scheduling	0.10	36.50
09/03/19	RRF	LITIGATION: E-mail directors, J. Kilbourne, J. Miller regarding scheduling 2004 examinations	0.20	73.00
09/04/19	JRM	LITIGATION: Telephone conference with Jamie K. regarding 2004 exam scheduling issues	0.30	120.00
09/04/19	JRM	LITIGATION: Multiple correspondence from R. Fulton regarding 2004 exam scheduling and office conference with R. Fulton regarding same (only 1/2 time charged)	0.20	80.00
09/04/19	RRF	LITIGATION: Telephone conference with M. Cornblum regarding examinations of board members	0.40	146.00
09/04/19	RRF	LITIGATION: E-mails with J. Kilbourne, J. Miller regarding conversation with Cornblum regarding examinations of board members	0.30	109.50
09/04/19	RRF	LITIGATION: Conference with B. Gatehouse, A. Durham regarding staffing of deposition defense for board members	0.50	182.50
09/04/19	RRF	LITIGATION: Conference with J. Miller regarding examinations of board members	0.30	109.50
09/04/19	RRF	LITIGATION: Telephone conference with J. Kilbourne, J. Miller regarding examinations of board members	0.50	182.50

RAYBURN COOPER & DURHAM, P.A.

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	Atty	Services Rendered	Hours	Amount
09/04/19	RRF	LITIGATION: E-mails with directors regarding examinations of board members and preparation for same	0.50	182.50
09/04/19	RRF	LITIGATION: E-mails with S. Robinson regarding Fairway Oaks depositions	0.10	36.50
09/04/19	RRF	LITIGATION: Telephone conference with S. Vergo regarding examination by M. Cornblum	0.20	73.00
09/04/19	RRF	LITIGATION: E-mails with M. Cornblum regarding examinations of board members	0.20	73.00
09/04/19	RRF	LITIGATION: Review draft cover letter to members	0.10	N/C
09/05/19	JRM	LITIGATION: Call with Dorothy G. regarding appeal issue; further correspondence regarding same, quick research on extension of deadlines in pending litigation and e-mail regarding same	0.50	200.00
09/05/19	JRM	LITIGATION: Office conference with R. Fulton regarding 2004 exams and staffing (.30); multiple correspondence with Jamie K. regarding same (.20)	0.50	N/C
09/05/19	NEK	LITIGATION: Meeting with R. Fulton about assignment to draft motion for protective order for Steven Vergo; receive background information on the case	0.40	N/C
09/05/19	RMB	LITIGATION: Legal research regarding question on bankruptcy effect on appeal deadlines	0.90	202.50

RAYBURN COOPER & DURHAM, P.A.

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Re: Post Petition

	Atty	Services Rendered	Hours	Amount
09/05/19	RRF	LITIGATION: Conference with J. Miller regarding proposed orders from Cornblum	0.20	73.00
09/05/19	RRF	LITIGATION: E-mails with M. Cornblum regarding proposed order on 2004 motion	0.10	36.50
09/05/19	RRF	LITIGATION: E-mails with J. Kilbourne, J. Miller regarding preparation for 2004 examinations	0.50	182.50
09/06/19	JRM	LITIGATION: Review motion for relief from stay and proposed order and circulate	0.30	120.00
09/06/19	JRM	LITIGATION: Analysis of issues and topics for 2004 exam	1.00	400.00
09/06/19	RRF	LITIGATION: E-mails with clients regarding orders, meeting notice	0.10	36.50
09/06/19	RRF	LITIGATION: Prepare for meeting with clients on Monday by reviewing deposition preparation materials	0.30	N/C
09/08/19	JRM	LITIGATION: Research regarding 341 meeting and 2004 exam discovery/evidentiary issues	1.50	N/C
09/09/19	JRM	LITIGATION: Correspondence with Marshall C. regarding stay relief order	0.10	40.00
09/09/19	JRM	LITIGATION: Follow up discussion with R. Fulton regarding examination staffing and with M. Tomsic regarding research questions coming out of exam prep meeting	0.20	80.00
09/09/19	JRM	LITIGATION: Coordinate upload of order on stay relief for appeal	0.10	40.00

RAYBURN COOPER & DURHAM, P.A.

10/04/19

Smoky Mountain Country Club

Our file number 5749-002/JRM/JRM  
Invoice number 43941

Re: Post Petition

	Atty	Services Rendered	Hours	Amount
09/09/19	JRM	LITIGATION: E-mail to client reps regarding 2004 exams	0.20	80.00
09/09/19	JRM	LITIGATION: E-mail Bob Y. regarding upcoming exams	0.10	40.00
09/09/19	JRM	LITIGATION: E-mails with R. Fulton and Jamie K. regarding 2004 exams	0.10	40.00
09/09/19	JRM	LITIGATION: Continue prep for 2004 exams and meeting with clients regarding same (only 1/2 time charged)	0.20	80.00
09/09/19	JRM	LITIGATION: Meet with Jamie K., Robert D., Joann W., Paul D., Mike H., R. Fulton in preparation for 2004 exams (only 1/2 time charged)	0.80	320.00
09/09/19	NEK	LITIGATION: Review pleadings and motions for background information on the case	0.70	N/C
09/09/19	RRF	LITIGATION: Meeting with R. Dungan, J. Kilbourne, J. Miller, J. Waggoner, P. DeCarlo, M. Hill regarding preparation for 2004 examinations	1.50	547.50
09/09/19	RRF	LITIGATION: E-mails with J. Kilbourne, J. Miller regarding 2004 examinations and special meeting election	0.30	109.50
09/09/19	RRF	LITIGATION: Conference with J. Miller regarding 2004 examinations	0.20	73.00
09/09/19	RRF	LITIGATION: E-mail S. Vergo regarding preparation for examination	0.10	36.50
09/09/19	TNL	LITIGATION: upload proposed order		

RAYBURN COOPER & DURHAM, P.A.

10/04/19

Smoky Mountain Country Club

Our file number 5749-002/JRM/JRM  
Invoice number 43941

Re: Post Petition

	Atty	Services Rendered	Hours	Amount
		granting motion for relief	0.10	16.00
09/09/19	TNL	LITIGATION: Prepare notebooks for 341 meeting	1.00	N/C
09/10/19	JRM	LITIGATION: Correspondence with Shel R. regarding 2004 exams and send order	0.10	40.00
09/10/19	JRM	LITIGATION: Telephone conference with Shel R. regarding 2004 exams	0.30	120.00
09/10/19	JRM	LITIGATION: Coordinate service of stay relief order	0.10	N/C
09/10/19	NEK	LITIGATION: Legal research on bankruptcy rule 2004	0.80	N/C
09/10/19	RRF	LITIGATION: E-mails regarding special meeting, examinations	0.10	36.50
09/10/19	RRF	LITIGATION: Review memorandum from M. Tomsic regarding limitations on 2004 exams	0.10	36.50
09/10/19	TNL	LITIGATION: Draft COS for order granting motion for relief; file COS	0.20	32.00
09/10/19	TNL	LITIGATION: Serve order granting motion for relief	0.50	N/C
09/11/19	JRM	LITIGATION: E-mails regarding 2004 exam prep	0.10	40.00
09/11/19	RRF	LITIGATION: E-mails regarding 2004 examinations	0.10	36.50
09/11/19	TNL	LITIGATION: Edits to revised order regarding motion for special meeting; convert order, attach exhibits and forward to Sandee Carpenter at Ed Hay's office	0.30	48.00

RAYBURN COOPER & DURHAM, P.A.

10/04/19

Smoky Mountain Country Club

Our file number 5749-002/JRM/JRM  
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Re: Post Petition

	Atty	Services Rendered	Hours	Amount
09/18/19	JRM	LITIGATION: Call with Evans to discuss 2004 exam prep	1.40	560.00
09/19/19	JRM	LITIGATION: Call Jamie K. regarding Mike Hill exam and special meeting procedures	0.60	240.00
09/23/19	JRM	LITIGATION: Defend Evans 2004 exam	2.60	1,040.00
09/23/19	JRM	LITIGATION: Travel to and from Whittier, NC for Evans exam (only 1/2 time charged)	2.60	1,040.00
09/23/19	RRF	LITIGATION: Telephone conference with J. Miller regarding 2004 examinations	0.50	182.50
09/23/19	RRF	LITIGATION: Review materials to prepare for S. Vergo 2004 examination	0.40	146.00
09/23/19	RRF	LITIGATION: Telephone conference with S. Vergo regarding preparation for 2004 examination	0.60	219.00
09/24/19	JRM	LITIGATION: E-mail from R. Fulton and Jamie K. regarding Vergo exam and election	0.10	40.00
09/24/19	JRM	LITIGATION: Office conference with R. Fulton regarding special election and Vergo exam	0.10	40.00
09/24/19	RRF	LITIGATION: E-mails with J. Kilbourne, J. Miller regarding board vote	0.10	36.50
09/24/19	RRF	LITIGATION: Telephone conference with S. Vergo regarding 2004 examination	0.10	36.50
09/24/19	RRF	LITIGATION: Conference with J.		

RAYBURN COOPER & DURHAM, P.A.

10/04/19

Smoky Mountain Country Club

Our file number 5749-002/JRM/JRM  
Invoice number 43941

Re: Post Petition

	Costs Advanced	Amount
09/27/19	J. Miller: Mileage to and from Asheville to attend 341 meeting on 9/12/19	143.84
09/30/19	J. Miller: Mileage to and from Whittier, NC to attend 2004 exam on 9/23/19	208.80
	Total costs advanced	<u>\$3,431.02</u>
	Total current fees/costs advanced	<u>\$33,931.52</u>
	Please pay this amount	<u><u>\$103,058.91</u></u>

Summary	Hours	Rate	Amount
JRM	46.90	400.00	18,760.00
RRF	14.70	365.00	5,365.50
MLT	19.30	260.00	5,018.00
NEK	2.50	225.00	562.50
RMB	0.90	225.00	202.50
TNL	3.70	160.00	592.00
JRM	8.00	0.00	0.00
MLT	1.40	0.00	0.00
NEK	1.90	0.00	0.00
RRF	0.40	0.00	0.00
TNL	1.80	0.00	0.00

Trust Balance Forward \$46,959.61

Current Trust Balance \$46,959.61

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Payment is due upon receipt of invoice  
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